

**DELEGATED APPROVAL FORM  
CHIEF CORPORATE OFFICER  
DIRECTOR OF REAL ESTATE SERVICES**

TRACKING NO.: 2015-070

Approved pursuant to the Delegated Authority contained in Executive Committee Item EX43.7 entitled "**Delegation of Authority in Certain Real Estate Matters**" adopted by City Council on May 11 and 12, 2010 (City Council confirmatory By-law No. 532-2010, enacted on May 12, 2010), as amended by GM24.9 entitled "**Minor Amendments to Delegation of Authority in Certain Real Estate Matters**" adopted by City Council on October 8, 9, 10 and 11, 2013 (City Council confirmatory By-Law No. 1234-2013 enacted October 11, 2013), as amended by DAF 2013-307 and DAF 2014-087.

Approved pursuant to the Delegated Authority contained in Executive Committee Item EX33.44 entitled "**Union Station Revitalization Implementation and Head Lessee Selection**" adopted by City Council on August 5 and 6, 2009. City Council confirmatory By-Law No. 749-2009, enacted on August 6, 2009.

Prepared By:	Bruno Iozzo	Division:	Real Estate Services
Date Prepared:	April 28, 2015	Phone No.:	(416) 392-8151

<b>Purpose</b>	To obtain authority to enter into an agreement with 467467 Ontario Limited (the "Owner") to acquire the Property to facilitate the future expansion of Willowdale Linear Park. Also, upon completion of the acquisition, enter into a lease agreement with Michael Law (the "Tenant") for the main floor of the building and inherit an existing residential tenancy on the 3 <sup>rd</sup> level of the building.
<b>Property</b>	<b>Acquisition:</b> The property municipally known as 223 Gladys Allison Place legally described as Part Lot 246-248, Plan 1609, Township of York; City of Toronto, being all of PIN 10083-0061 (the "Property") and displayed in Appendix "B". <b>Lease:</b> Part of the Property shown on the sketch attached hereto as Appendix "C".
<b>Actions</b>	<ol style="list-style-type: none"> <li>Authority be granted to enter into an agreement (the "Agreement") with the Owner to acquire a fee simple ownership of the Property, and such other agreements necessary to give effect thereto, including any assignments of leases or additional leases, substantially on the terms and conditions set out in Appendix "A" and any other terms and conditions as determined by the Chief Corporate Officer and in a form acceptable to the City Solicitor.</li> <li>Authority be granted to enter into a lease with the Tenant substantially on the terms and conditions set out in Appendix "A" and any other terms and conditions as determined by the Chief Corporate Officer and in a form acceptable to the City Solicitor.</li> <li>Authority be granted to authorize the Chief Corporate Officer or her designate to administer and manage the Agreements including the provision of any consents, approvals, waivers, notices, and notices of termination, provided that the Chief Corporate Officer may, at any time, refer consideration of such matters (including their content) to City Council for its determination and direction.</li> <li>Authority be granted to authorize the City Solicitor to complete the transactions on behalf of the City, including amending any dates as she deems acceptable and payment of any necessary expenses.</li> <li>The appropriate City Officials are authorized and directed to take the necessary action to give effect thereto.</li> </ol>
<b>Financial Impact</b>	<p>The following costs will be incurred by the City in connection with the Acquisition Agreement:</p> <ol style="list-style-type: none"> <li>Purchase Price = \$2,058,800.00;</li> <li>Land Transfer Tax (Provincial portion) = \$37,651.00; and</li> <li>Registration Costs = \$100.00 (approximately).</li> </ol> <p>Funding for these costs (totaling \$2,096,551.00) is available in the 2015 Capital Budget for Parks, Forestry &amp; Recreation under capital account CPR115-44-09.</p> <p>The City will receive revenue in the amount of \$12,075.00 per annum (\$48,300.00 over the initial 4-year term) in connection with the Lease Agreement. The City will also receive revenue in the amount of \$8,400.00 per annum in connection with the existing residential tenancy on the 3<sup>rd</sup> floor of the building.</p> <p>These funds (totaling \$20,475.00 per annum) will be deposited into the appropriate budget of the Real Estate Services Division (net of operating costs including state of good repair and maintenance).</p> <p>The Deputy City Manager and Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.</p>
<b>Comments</b>	<p>The Parks, Forestry and Recreation Division identified 223 Gladys Allison Place as a desirable property to acquire for parkland purposes in the North York District. The Property was identified in the Parkland Acquisition Strategy-North York District (1998) to facilitate the proposed expansion of Willowdale Linear Park. Other surrounding properties that are required to complete the park expansion project are in (or will be shortly) the City's ownership through negotiated acquisition agreements or through planning agreements (parkland dedication from nearby developments). The subject property is one of the remaining properties required for the proposed park expansion that is not municipally owned. It is virtually surrounded by other recently acquired City-owned properties that will be included in the future park expansion/development project.</p> <p><i>Comments continued on Page #4.</i></p>
<b>Terms</b>	See Page #5.

<b>Property Details</b>	<b>Ward:</b>	23 – Willowdale
	<b>Assessment Roll No.:</b>	1908092570002000000
	<b>Approximate Size:</b>	N/A
	<b>Approximate Area:</b>	9,450 Ft <sup>2</sup>
	<b>Other Information:</b>	N/A

A.	Director of Real Estate Services has approval authority for:	Chief Corporate Officer has approval authority for:
<p>1. Acquisitions:</p> <p>2. Expropriations:</p> <p>3. Issuance of RFPs/REOs:</p> <p>4. Permanent Highway Closures:</p> <p>5. Transfer of Operational Management to ABCDs:</p> <p>6. Limiting Distance Agreements:</p> <p>7. Disposals (including Leases of 21 years or more):</p> <p>8. Exchange of land in Green Space System &amp; Parks &amp; Open Space Areas of Official Plan:</p> <p>9. Leases/Licences (City as Landlord/Licensor):</p> <p>10. Leases/Licences (City as Tenant/Licensee):</p> <p>11. Easements (City as Grantor):</p> <p>12. Easements (City as Grantee):</p> <p>13. Revisions to Council Decisions in Real Estate Matters:</p> <p>14. Miscellaneous:</p>	<p><input type="checkbox"/> Where total compensation does not exceed \$1 Million.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$1 Million.</p> <p><b>Delegated to a more senior position.</b></p> <p><b>Delegated to a more senior position.</b></p> <p><b>Delegated to a more senior position.</b></p> <p><input type="checkbox"/> Where total compensation does not exceed \$1 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$1 Million.</p> <p><b>Delegated to a more senior position.</b></p> <p><input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$1 Million;</p> <p><input type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding three (3) months, including licences for environmental assessments and/or testing, etc.</p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$1 Million.</p> <p><input type="checkbox"/> (a) Where total compensation does not exceed \$1 Million.</p> <p><input type="checkbox"/> (b) When closing road, easements to pre-existing utilities for nominal consideration.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$1 Million.</p> <p><input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and may include increase not to exceed the amount of the original decision by the lesser of 10 per cent and \$500,000).</p> <p><input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences;</p> <p><input type="checkbox"/> (b) Releases/Discharges;</p> <p><input type="checkbox"/> (c) Surrenders/Abandonments;</p> <p><input type="checkbox"/> (d) Enforcements/Terminations;</p> <p><input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppels/Certificates;</p> <p><input type="checkbox"/> (f) Objections/Waivers/Cautions;</p> <p><input type="checkbox"/> (g) Notices of Lease and Sublease;</p> <p><input type="checkbox"/> (h) Consent to regulatory applications by City, as owner;</p> <p><input type="checkbox"/> (i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title;</p> <p><input type="checkbox"/> (j) Documentation relating to Land Titles applications;</p> <p><input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds.</p>	<p><input checked="" type="checkbox"/> Where total compensation does not exceed \$3 Million.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million.</p> <p><input type="checkbox"/> Issuance of RFPs/REOs.</p> <p><input type="checkbox"/> Initiate process &amp; authorize GM, Transportation Services to give notice of proposed by-law.</p> <p><input type="checkbox"/> Transfer of Operational Management to ABCDs.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$3 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$3 Million.</p> <p><input type="checkbox"/> Exchange of land in Green Space System and Parks and Open Space Areas of Official Plan.</p> <p><input checked="" type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$3 Million;</p> <p><input type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding six (6) months, including licences for environmental assessments and/or testing, etc.</p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$3 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$3 Million.</p> <p><b>Delegated to a less senior position.</b></p> <p><input type="checkbox"/> Where total compensation does not exceed \$3 Million.</p> <p><input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and may include increase not to exceed the amount of the original decision by the lesser of 10 per cent and \$1 Million).</p> <p><input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences;</p> <p><input type="checkbox"/> (b) Releases/Discharges;</p> <p><input type="checkbox"/> (c) Surrenders/Abandonments;</p> <p><input type="checkbox"/> (d) Enforcements/Terminations;</p> <p><input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppels/Certificates;</p> <p><input type="checkbox"/> (f) Objections/Waivers/Cautions;</p> <p><input type="checkbox"/> (g) Notices of Lease and Sublease;</p> <p><input type="checkbox"/> (h) Consent to regulatory applications by City, as owner;</p> <p><input type="checkbox"/> (i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title;</p> <p><input type="checkbox"/> (j) Documentation relating to Land Titles applications;</p> <p><input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds.</p>

**B. Chief Corporate Officer and Director of Real Estate Services each has signing authority on behalf of the City for:**

- 1. Agreements of Purchase and Sale and all implementing documentation for purchases, sales and land exchanges not delegated to staff for approval.
- 2. Expropriation Applications and Notices following Council approval of expropriation.
- 3. Documents required to implement the delegated approval exercised by him.

**Chief Corporate Officer also has approval authority for:**

- Leases/licences/permits at Union Station during the Revitalization Period, if the rent/fee is at market value.

Consultation with Councillor(s)															
Councillor:	John Filion					Councillor:									
Contact Name:	Brian Liberty – Special Assistant					Contact Name:									
Contacted by:	Phone	X	E-Mail		Memo		Other	Contacted by:	Phone		E-mail		Memo		Other
Comments:	Requested to proceed					Comments:									
Consultation with ABCDs															
Division:	Parks, Forestry & Recreation					Division:	Financial Planning								
Contact Name:	David Douglas / Jennifer Kowalski					Contact Name:	Anthony Ng								
Comments:	Support the acquisition					Comments:	Acceptable to proceed								
Legal Division Contact															
Contact Name:	Jason Aurini														
DAF Tracking No.: 2015-070			Date			Signature									
Recommended by: Manager			April 29, 2015			Signed by Tim Park									
<input checked="" type="checkbox"/>	Recommended by: Director of Real Estate Services		May 1, 2015			Signed by Joe Casali									
<input type="checkbox"/>	Approved by: Joe Casali														
<input checked="" type="checkbox"/>	Approved by: Chief Corporate Officer		May 4, 2015			Signed by Josie Scioli									
	Josie Scioli														

**General Conditions ("GC")**

- (a) The local Councillor (or local Councillors if the subject property is located on a ward boundary or if the transaction involves an exchange of properties in more than one ward), will be consulted prior to the exercise of delegated Approving Authority by staff for all Acquisitions, Disposals, Land Exchanges and Leases.
- (b) Where approving power has been delegated to staff, the Chief Corporate Officer, in consultation with the applicable Deputy City Manager or the City Manager, may determine that such matter is of such special interest that same should be returned to the relevant Committee and Council for consideration and determination.
- (c) Exercise of delegated authority is subject to all applicable Council policies, statutes or other applicable law.
- (d) Authority to approve financial commitments/expenditures is subject to all amounts being available in an approved budget [or funding is available from alternative sources].
- (e) Property interests are to be based on appraised value, and no interest shall be granted at less than market value unless otherwise specifically authorized.
- (f) Authority to approve transactions at less than market value is subject to statutory anti-bonusing provisions.
- (g) Total compensation means the aggregate of all types of payments, including land value, estimated clean-up costs, potential arbitration awards, loss claims, etc, but exclusive of any applicable taxes and registration costs.
- (h) Authority to acquire property is conditional upon provision being made to bring the property into compliance with applicable MOE or other requirements such that it will be fit for its intended municipal purpose.
- (i) Authority to initiate the permanent road closure process in **A.4** is conditional upon confirmation by the GM of Transportation Services that it is feasible to permanently close the highway.
- (j) Disposal authorities in **A.7** are subject to the property having been declared surplus, and the disposal policy complied with.
- (k) Land exchanges, except for those in **A.8**, may be authorized based on the delegated Approving Authority for Disposals in **A.7**.
- (l) Approving Authority with respect to land located in the Designated Waterfront Area is conditional upon the approval of the Director, Waterfront Secretariat.
- (m) Authority to approve an exchange of land in **A.8** is conditional upon confirmation by the Chief Planner and Executive Director, and the GM of Parks, Forestry & Recreation, that the land being exchanged is (i) nearby land of equivalent or larger area, and (ii) of comparable or superior green space utility.
- (n) Approving Authority in **A.9** Leases (City as Landlord) but not Licences (City as Licensor) is limited to periods (including options/renewals) of less than twenty-one (21) years.
- (o) Total compensation in leasing matters where the City is landlord (**A.9**) includes the value of tenant improvements if factored into tenant's rental payments.
- (p) Total compensation in leasing matters where the City is the tenant (**A.10**) includes the value of any tenant improvements to be paid by the City.
- (q) Where options/renewals are included in leases, if the renewal rent is to be determined at a date later than the original approval date, total compensation is to be calculated as though all options are exercised, estimating the renewal rent based on the highest rent payable in the first term of the lease.
- (r) Total compensation in leasing matters where the City is landlord (**A.9**) or tenant (**A.10**) is to be calculated from the date of approval pursuant to this delegation (ie. first allowing for the expiry of any prior approvals, whether by Council or a delegated authority).
- (s) Approving Authority in leasing matters includes authority to approve renewals/extensions within the parameters of the delegated Approving Authority.
- (t) Approving Authority includes authority for amendments within the parameters of the delegated Approving Authority, the cumulative total of which may not exceed the delegated financial limit.
- (u) Where proposed additional amounts in **A.13** exceed 10 per cent of the original decision, even if otherwise in compliance with all other conditions, then approving authority is transferred upwards to the next more senior level of approving authority having the relevant overall financial limit.
- (v) Approving Authority includes authority for all documents necessary to implement the authority, on terms and conditions satisfactory to the Approving Authority, in consultation with the relevant operating Division(s).
- (w) Staff positions referred to in this delegation include successors from time to time.
- (x) Documents are to be in a form satisfactory to the City Solicitor (including indemnity and insurance provisions).
- (y) Delegated signing authorities in **B** are conditional upon the documents having received the City Solicitor's prior "Approval as to Form".
- (z) This delegation does not affect sales, acquisitions and leases over which the Affordable Housing Committee has responsibility.
- (aa) Authority to use land acquired by the City for parking purposes by the Toronto Parking Authority is conditional upon Council enacting a by-law designating such use.
- (bb) All residential leasing documents shall adhere to the *Residential Tenancies Act* and any successor legislation.
- (cc) Despite GC(n), Approving Authority in residential leasing matters is not limited to periods of less than twenty-one (21) years.

*Comments continued from Page #1.*

City staff have made several attempts to acquire the subject property from the Owner through a negotiated agreement with no success. At its meeting held on August 25-28, 2014, City Council adopted a Report (CC55.7) authorizing City staff to initiate the expropriation process to acquire 223 Gladys Allison Place.

City staff have continued to communicate with the Owner in an effort to acquire the property through a negotiated agreement. Those negotiations have proved to be successful as both parties have recently come to an agreement for the City's acquisition of the property without the need to expropriate. The subsequent lease of the main floor of the building was requested by the Tenant as part of the negotiated agreement.

City staff consider the terms of the agreements to be fair and reasonable to both parties while avoiding the costly expropriation process.

## Appendix "A" – Major Terms – 223 Gladys Allison Place

### Purchase Agreement

**Property Address** = 223 Gladys Allison Place

**Property Owner** = 467467 Ontario Limited

**Purchaser** = City of Toronto

**Purchase Price** = \$2,058,800.00

**Property Rights** = Fee Simple Ownership

**Irrevocable Period** = 30 days after the Property Owner executes the Offer

**Due Diligence Period** = Period of 90 days (or sooner) after the Offer is executed by the City

**Requisition Period** = 90 days after the City executes the Offer

**Closing Date** = 30 days (or sooner) after delivery of a Notice of Waiver or Notice of Satisfaction

### Lease Agreement – Commercial Tenant

**Property Address** = 223 Gladys Allison Place

**Landlord** = City of Toronto

**Tenant** = Michael Law

**Commencement Date** = Upon completion of City's acquisition of the Property

**Leased Premises** = Main floor of building (commercial space)

**Basic Rent** = \$11.50 per Sq. Ft.

**Lease Area** = Approx. 1,050 Sq. Ft.

**Lease Term** = 4 Years

**Additional rent** = Tenant responsible to pay to the City its proportionate share of the operating costs

**Renewal Options** = Three (3) options to renew (5-year term for each option)

### Lease Agreement – Residential Tenant

**Property Address** = 223 Gladys Allison Place

**Landlord** = City of Toronto

**Tenant** = Harumi Onuma (pursuant to tenant acknowledgement)

**Commencement Date** = Upon completion of City's acquisition of the Property

**Leased Premises** = 3rd floor of building (residential unit)

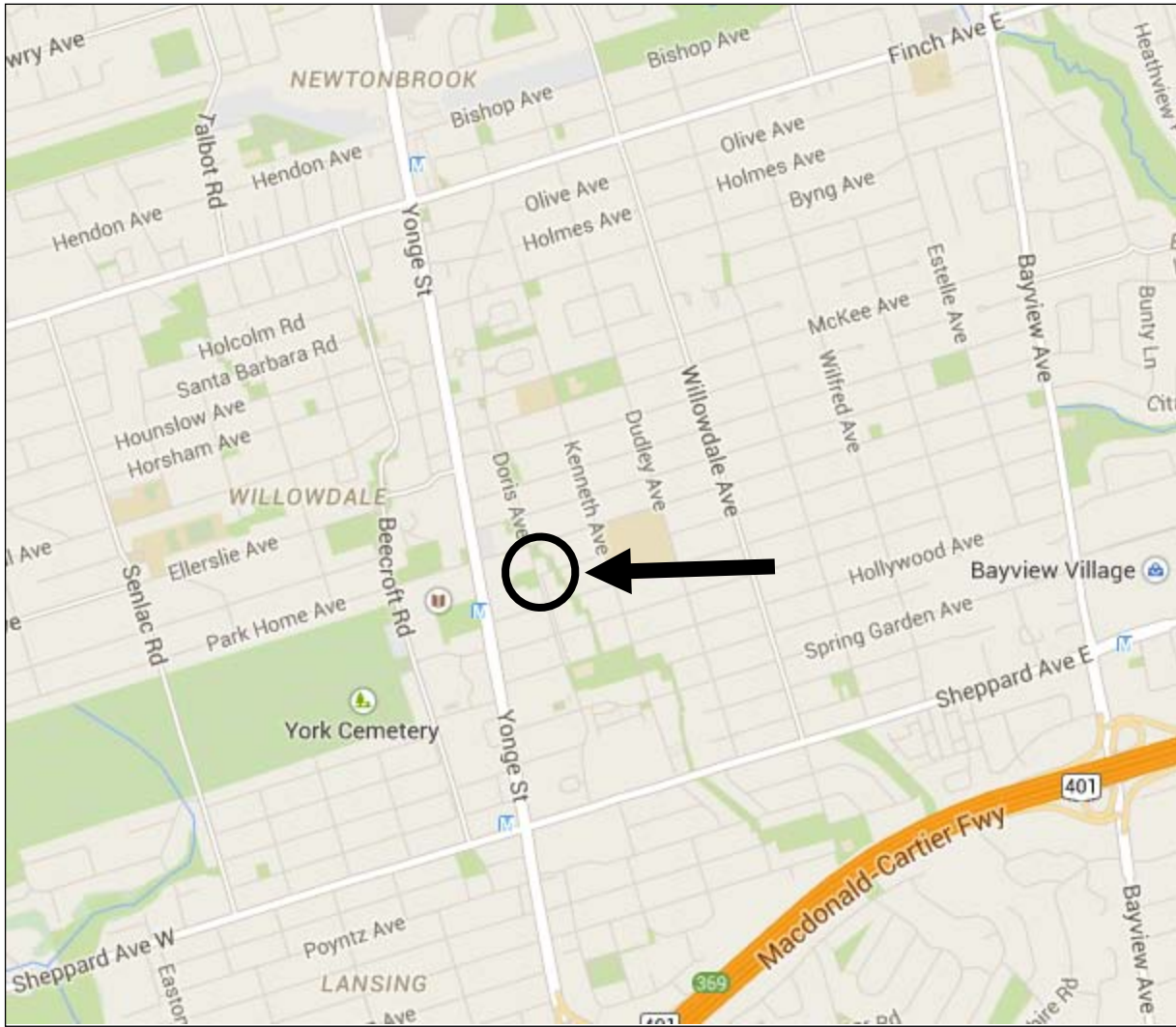
**Semi-Gross Rent** = \$700.00 per month

**Lease Area** = Approx. 798 Sq. Ft.

**Lease Term** = month to month

**Additional rent** = Tenant responsible to pay its share of hydro costs (separately metered)

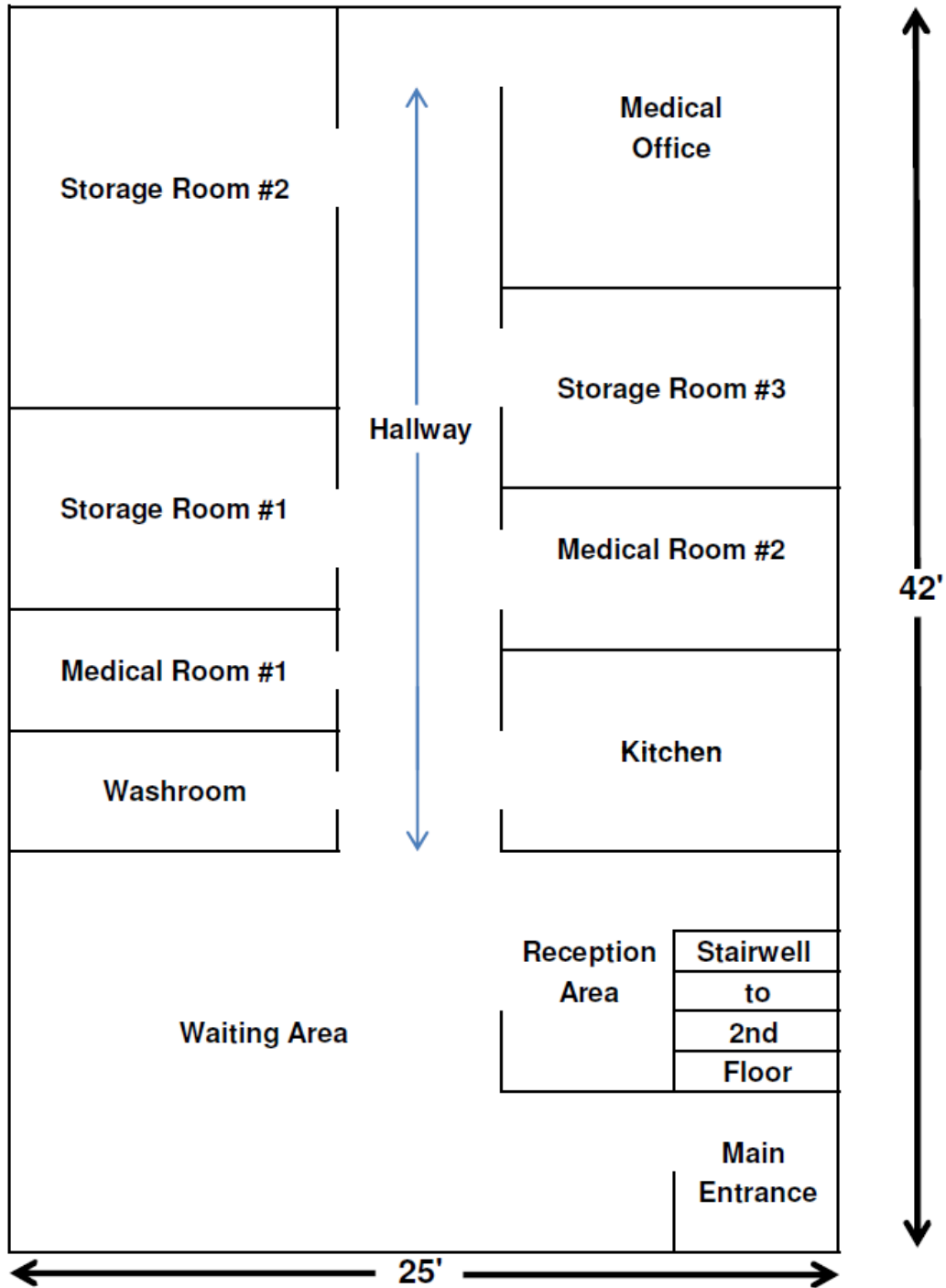
### Appendix "B" – 223 Gladys Allison Place



# 223 Gladys Allison Place

## Floor Plan - Main Floor

Not to Scale



Gross Floor Area				
25'	X	42'	=	1,050 Sq. Ft.